

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEROME JUNIOR WASHINGTON,)	
)	Civil Action No. 19-1461
Plaintiff,)	
)	Senior District Judge Joy Flowers Conti
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT GILMORE,)	
LIEUTENANT TROUT, SERGEANT)	
DEMASKE, UNIT MANAGER)	
LACKEY, C.O. ULIZIO, JOHN)	
DOES 1-4,)	
)	
Defendants.)	

AND NOW, this 17th day of March 2022, **IT IS HEREBY ORDERED** that for the reasons set forth in the accompanying opinion, the objections (ECF Nos. 65, 69) filed by plaintiff Jerome Junior Washington (“Washington”) to the Report and Recommendation (“R&R”) (ECF No. 62) of the magistrate judge are overruled;

IT IS FURTHER ORDERED that the R&R is adopted in part and rejected in part as set forth in the accompanying opinion;

IT IS FURTHER ORDERED that the partial motion for judgment on the pleadings (ECF No. 33) is **GRANTED** to the extent that certain claims in issue in that motion are being either dismissed without prejudice or dismissed with prejudice and denied with respect to any claim asserted under the Fourteenth Amendment for violations of the Eighth Amendment, which is subsumed into the Eighth Amendment claim;

IT IS FURTHER ORDERED that the claims for monetary relief asserted under 42 U.S.C. § 1983 against defendants Gilmore, Trout, Lackey, Demaske, and Ulizio (the “named defendants”) in their official capacities will be dismissed without prejudice to the refiling, if applicable law permits, of those claims in a court of competent jurisdiction;

IT IS FURTHER ORDERED that the claims for injunctive relief asserted under § 1983 against the named defendants in their official capacities will be dismissed with

prejudice as moot and the judgments based upon the dismissal with prejudice are neither final nor appealable;

IT IS FURTHER ORDERED that the § 1983 claims for violations of Washington's right of access to the courts under the First and Fourteenth Amendments based upon the named defendants failing to respond to his grievances and the grievance procedures of the State Correctional Institution Greene preventing Washington from filing the claims asserted in this case are dismissed with prejudice and the judgments based upon the dismissal with prejudice are neither final nor appealable; and

IT IS FURTHER ORDERED that the supervisory claims asserted against Gilmore, Lackey, and Trout are dismissed without prejudice.

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Court Judge